

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

THOMAS MACLEOD,

Plaintiff,

C.A. No. 03-11483-PBS

v.

DONALD KERN, et al.,

Defendants.

MOTION OF DEFENDANTS HALL, MITCHELL, AND
BRADY TO STAY DISCOVERY

Department of Correction defendants Hall, Mitchell, and Brady (defendants)¹ respectfully move this Court to stay all discovery as to them pending a decision on their Motion For Summary Judgment, previously filed. As reason therefor, defendants state that plaintiff's claims as to them are not only meritless but frivolous, as their Motion For Summary Judgment reveals. All the information needed to decide this case is provided in defendants' papers, and plaintiff can identify no discovery which would allow his claims against defendants to survive.

¹ There are ten additional defendants in the case who are not represented by undersigned counsel.

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

Dated: November 22, 2004 /s/Stephen G. Dietrick_____
Stephen G. Dietrick
Deputy General Counsel
Legal Division
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300
Tel. (617) 727-3300 Ext. 116
B.B.O. #123980

CERTIFICATE OF SERVICE

I, Stephen G. Dietrick, Deputy General Counsel for the Department of Correction, hereby certify that on this 22nd day of November, 2004, I served a copy of the foregoing on plaintiff Thomas MacLeod, by first class mail, postage prepaid to him at his address: P.O. Box 100, South Walpole, MA 02071.

Dated: November 21, 2004 /s/Stephen G. Dietrick_____
Deputy General Counsel